

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, DECEMBER 21, 2004, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS

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Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners DeTienne, Taylor, Bennett, Flammini and Mayor Harrison.

Mayor Harrison led in the Pledge of Allegiance to the Flag.

AGENDA CHANGES

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to accept the Council agenda with amendments as follows:

- Adding the discussion of purchase and sale of real estate, collective bargaining and probable litigation to Closed Session, item 11
- Moving to consider the approval of minutes of a Special Meeting held on December 13, 2004 from the Consent Agenda to a separate item immediately following the Consent Agenda
- Tabling to consider approval of contract agreement with the IUOE, Local 150, for Public Works, item 9.c.

The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

HOLIDAY PASSPORT CONTEST

Sharon Finkel, representing the Zion Business Development Council, drew the winners of the Festival of Lights Holiday Passport Contest:

- First Place for \$300: Nancy Bryson
- Second Place for \$200: Sarah Wright
- Third Place for \$100: Jeff Kukkola

CONSENT AGENDA

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the Consent Agenda be approved as follows:

- (a) **APPROVAL OF MINUTES** of a Special Meeting held on December 3, 2004 at 4:03 P.M.; a Regular Meeting held on December 7, 2004 at 7:01 P.M. and approval but not release of Closed Session minutes of a meeting held on December 7, 2004 at 8:25 P.M, with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Detailed Revenue & Expense Report, period ending November 30, 2004; Building Inspector's Monthly Report, November, 2004

- (c) **PAYMENTS:** A-Rest-A-Pest, exterminating services rendered at City Hall, Public Works and Fire Stations 1 & 2, \$1,385.60; Zion Auto Parts, 2275 Sheridan Road, Façade Grant Program reimbursement, \$50,000; Fortner's Jewelry, 2642 Sheridan Road, Façade Grant Program reimbursement, \$37,000; John Hennessy, 2269 Sheridan Road, Façade Grant Program reimbursement, \$50,000; Zion Gas Station, 2301 Sheridan Road, Façade Grant Program reimbursement, \$50,000

The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

DECEMBER 13 MEETING MINUTES

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve minutes of a Special Meeting held on December 13, 2004 at 4:03 P.M. and approval but not release of Closed Session minutes of a meeting held on December 13, 2004 at 4:03 P.M., with all members having previously received copies. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, pass; and Mayor Harrison, aye. Motion carried.

EMPLOYEE RECOGNITION

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that a Resolution (04-R-34) of Commendation be passed recognizing Wayne Brooks for 20 years of dedicated service to the Police Department and the City of Zion. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

AMENDING MUNICIPAL CODE/SIGN REGULATIONS

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (04-0-52) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 70, regarding sign regulations. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

THUNDERBIRD CONDOMINIUMS

Attorney Rolek stated he is working with the developer on the Planned Unit Development (PUD) agreement for the Thunderbird Condominiums, which should be ready by the second meeting in January. The PUD will contain the specifics on the rezoning and variances.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve:

- rezoning the northwest corner of 29th Street and Lewis Avenue from residential (R-13) to multifamily (R-2),
- allowing variance of lot coverage up to approximately 60%,
- allowing variance of density restriction of approximately 3,025 square feet per unit,
- subject to final approval of the PUD.

The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, nay; Flammini, aye; and Mayor Harrison, aye. Motion carried.

CONVEYANCE OF 1915 INDUSTRIAL AVENUE

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (04-0-53) be passed approving the conveyance of 1915 Industrial Avenue to Reliance Universal, Inc, which is now known as Akzo Nobel Coatings, Inc. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ZBTHS SCHOOL RESOURCE OFFICER

A memo (04-DOC-176) was received from Chief Malcolm, requesting permission to hire a police officer to fill the position of School Resource Officer for Zion-Benton Township High School (ZBTHS). Superintendent Bud Marks is requesting renewal of the agreement for the 2005/2006 school year with the officer as a city employee. Currently the School Resource Officer is an employee of ZBTHS. Chief Malcolm stated the school would pay for 9 months of the officer's salary, and the city would pay for 3 months plus benefits. Commissioner DeTienne stated the school should pay for 9 months of benefits. Mayor Harrison stated the city also has to pay training costs, so a proportionate cost of training and any other costs should also be paid by ZBTHS. Commissioner Taylor stated other communities served by ZBTHS should help fund this officer, and there is a way for the school to levy through the tort fund. Commissioner Taylor noted, if this officer were to be a city employee, the position would be subject to the union contract. Chief Malcolm stated he could present the Council's recommendation to Dr. Marks for the school to pay 9 months of all costs of a seasoned officer, and bring this item back to the Council at a later meeting.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to table the request to hire a police officer to fill the ZBTHS School Resource Officer position, in order for Chief Malcolm to present the Council's recommendation to the high school. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

ESDA CHECKING ACCOUNT

Commissioner Bennett recommended establishing a policy and procedures for maintaining and auditing the checking account in ESDA. These procedures describe deposits and expenditures, authority for signing checks, and reports and audits. This policy has been reviewed by ESDA and the auditor. Attorney Rolek stated he has reviewed this policy, and it meets statutory requirements.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to approve the Policy for Maintaining and Auditing the ESDA Checking Account. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

HVAC SYSTEM/CITY HALL

A memo (04-DOC-177) was received from John Jones, requesting approval to repair and replace the air conditioning drainage system for City Hall. There have been ongoing problems due to drain piping, which is not large enough for the building. Olsen Comfort Services has submitted a quote in the amount of \$3,440 to replace the drainage system. Since this is an unexpected expenditure, this is not a budgeted item. It was noted this expenditure should come from the Public Property budget.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve contracting with Olsen Comfort Services in the amount of \$3,440 for the repair and replacement of City Hall's air conditioning drainage system. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

VARIANCE/3021 GALILEE AVENUE

The Planning and Zoning Commission considered a request for a variance regarding a rear yard setback for 3021 Galilee Avenue, as petitioned by Lyle Arnst – Zoning Docket 04-Z-20. The Planning/Zoning Commission recommended approval. Mr. Arnst wishes to move an overhead garage door from the south wall to the east wall, and there is only 13 feet from the east wall to the rear lot line. Commissioner Bennett questioned why Mr. Arnst couldn't put a double driveway on the north side of the garage, as having only 13 feet from the alley may mean cars would be parking in the alley. Brian Usher stated a car may not be able to turn into the garage from the north side of the garage. Mr. Arnst stated there is 16 feet from the garage to the paved portion of the alley. Mr. Arnst noted that one tenant might block access to the garage by the other tenant with a north wall entrance, and only one family will have access to the garage. This garage is on the south side property line. John Jones stated the Planning and Zoning Commission voted unanimously to approve this variance, noting this is a non-conforming two-unit. Commissioner Flammini stated tenants would need to understand that they would be ticketed for parking in the alley, noting signs must be posted. Mr. Arnst agreed to post signs.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve the request for the rear yard setback variance for 3021 Galilee Avenue, subject to no parking allowed in the alleyway, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, nay; Flammini, aye; and Mayor Harrison, aye. Motion carried.

LOS NARANJOS MARKET/TIF GRANT

A memo (04-DOC-178) was received from Delaine Rogers, regarding a proposed TIF Grant for Los Naranjos Market. This grant is for the installation of additional signage, lighting, awning and display window space at 2744 Sheridan Road. Vendors would be paid directly on behalf of the market's owner, Eduardo Vargas. The TIF Review Board recommends approval of a \$5,000 grant.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve a TIF Business Grant not to exceed \$5,000 to Los Naranjos Market for the purpose of property improvements for 2744 Sheridan Road with vendors to be paid directly for all completed work. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

ANNIE B'S TEEZ/TIF GRANT

A memo (04-DOC-179) was received from Delaine Rogers, regarding a proposed TIF Grant for Annie B's Teez. This grant would be for electrical service upgrades directly effecting the operation of this business at 2711 Sheridan Road with any remaining funds to be applied toward the installation of exterior signage. The city has inspected the site. Vendors would be paid directly for all work completed. The TIF Review Board recommends approval of a \$4,000 grant. Mayor Harrison stated any code issues should be completed before any funds are expended for this grant.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve a TIF Business Grant not to exceed \$4,000 to Annie B's Teez for the purpose of specific electrical service upgrades pertaining to the business at 2711 Sheridan Road, subject to all code issues being completed before expenditure of grant funds. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

LAKE COUNTY PARTNERS

A letter (04-DOC-180) was received from Delaine Rogers recommending membership renewal with Lake County Partners. Annual dues would remain at \$1,700. Ms. Rogers stated the Lake County Partners has been a good resource for programs and business development initiatives. This is a budgeted item.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to approve membership renewal with Lake County Partners for the annual amount of \$1,700.00. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

SEWER TAP ON FEES/LEHMAN AUTO BODY

A memo (04-DOC-181) was received from Delaine Rogers, regarding a request for the waiver of sewer tap on fees for Lehman Auto Body at 1809 Sheridan Road. David Lehman recently applied to connect to the sewer service, and was informed he is responsible for a \$3,400 sewer tap on fee. Mr. Lehman has paid a sewer fee, which has been included in his water bill, for over the last fourteen years. Mr. Lehman is requesting either a waiver or reduction of the fee, since he has paid into a fund from which he did not receive service. Commissioner Bennett stated Mr. Lehman has paid between \$1,000 and \$1,500. Commissioner Bennett stated he has no problem crediting Mr. Lehman the amount paid, but is opposed to waiving the connection fee. Mayor Harrison stated it could be considered that Mr. Lehman is also owed interest over the fourteen-year period, thereby paying an amount equal to the tap on fee.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to credit Lehman Auto Body at 1809 Sheridan Road the amount of \$3,400 for past payments for sewer service not received, and to apply this credit to the sewer connection tap on fee. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, nay; Flammini, aye; and Mayor Harrison, aye. Motion carried.

ORTHODONTIC PROCEDURES

Commissioner Bennett stated an issue has been raised as to how to reimburse for orthodontic services rendered over a contracted period of time. A question has been presented whether reimbursement should be paid at the time of employee payment or over the time the services are rendered. Greg Schneider stated, when the city moved the administration of the dental plan to the third party administrator, a plan was set up for reimbursing services. Commissioner Bennett stated dentists set up the time payment plans, and the city's insurance company recommends that the employee makes the payments, and then the city would reimburse the employee after service is provided. Mr. Schneider stated there is currently an employee who has paid in full for orthodontic services rather than by the time payment plan. Mr. Schneider recommended paying this employee, but to follow the insurance company's recommendation for future cases. Mayor Harrison stated if the employee pays for services in a lump sum, the employee saves part of the finance costs, and therefore the city saves on reimbursement. Commissioner Bennett stated the employee could leave city employment and be paid more than the annual maximum of \$1,500. Orthodontia services are currently reimbursed at 50% up to a maximum annual allowance. Mayor Harrison recommended reimbursement of 50% up to the maximum amount upon proof of payment. Commissioner Taylor recommended, once the orthodontic procedure has started, providing up to the annual maximum of \$1,500 upon proof of service contract or agreement without requiring the employee to pay and then be reimbursed.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to amend the Orthodontic Benefit Plan Procedures, deleting the current Dental Plan Orthodontic Services section and inserting "Benefits will be paid upon presentation of signed orthodontia contract". The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

Zion Building Department was recognized with an “Outstanding Achievement in Citizen Education through Printed Material” award from the American Association of Code Enforcement.

- December 22 Dome-lifting Ceremony at Country Inn and Suites
- December 23, 24, 30 & 31 City Offices closed for Holidays
- January 4, 2005 City Council Meeting
- February 1, 2005 Next Township Board Meeting – replaces January 18, 2005 meeting

CLOSED SESSION

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that the Council recess to Closed Session at 8:52 p.m. to discuss personnel, purchase and sale of real estate, collective bargaining and probable litigation. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to reconvene the Regular Council meeting at 10:01p.m. with all members present. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

PROPERTY IN THE 2400 BLOCK OF LYDIA AVENUE

Mayor Harrison stated the Council discussed purchasing various lots in the 2400 block of Lydia Avenue. This property would create a reserve area for detention and possible limited commercial use. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the purchase of 3.38 acres in the 2400 block of Lydia Avenue at \$22,500 per acre for a total of \$76,050, subject to the City Attorney’s review of the contract to purchase. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Bennett, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner DeTienne, seconded by Commissioner Flammini and unanimously approved the meeting be adjourned at 10:02 p.m. Motion carried.

City Clerk